



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 9 2005

THE ADMINISTRATOR

Governor Mark Warner
Office of the Governor
State Capitol
Richmond, VA 23219

Re: Second Emergency Fuel Waiver Concerning Richmond, Virginia
RFG Requirements

Dear Governor:

On September 2, 2005, pursuant to Section 211(c)(4)(C) of the Clean Air Act (CAA), I waived the reformulated gasoline (RFG) requirements in the Richmond, Virginia RFG covered area. The Richmond covered area consists of the following Virginia counties: Stafford, Charles City, Chesterfield, Hanover and Henrico; and the following Virginia cities: Hopewell, Colonial Heights and Richmond. See 40 CFR Part 80, subpart D. The September 2, 2005 waiver, which expires at midnight on September 9, 2005, was issued because of RFG shortages in Richmond that result from Hurricane Katrina. The Virginia Department of Mines, Mineral and Energy now has informed EPA that the RFG shortages in the Richmond area resulting from Hurricane Katrina will continue after September 9, 2005, and has requested that EPA extend its waiver of the RFG gasoline standards.

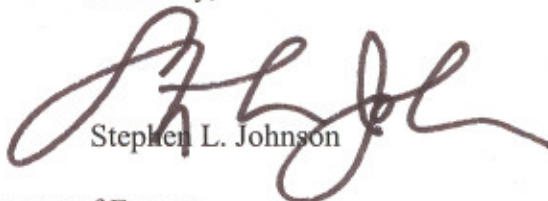
EPA, in consultation with the Department of Energy, has continued working to evaluate the prospect of gasoline supply problems being experienced in the Richmond area as a result of Hurricane Katrina. Based on this evaluation, I have determined that an "extreme and unusual fuel supply circumstance" will continue to exist after September 9, 2005, that prevents the distribution of an adequate supply of RFG to consumers in the Richmond covered area. CAA § 211(c)(4)(C). This fuel circumstance is the result of Hurricane Katrina, a natural disaster, that could not reasonably have been foreseen or prevented and is not attributable to a lack of prudent planning on the part of the suppliers of RFG to this affected area. *Id.* Furthermore, I have determined that it is in the public interest to grant this waiver.

Therefore, in order to minimize or prevent problems with the supply of gasoline, I am today issuing this second waiver of the RFG requirements for the Richmond covered area until midnight on September 23, 2005. Thus, EPA will allow regulated parties to distribute and sell conventional gasoline (CG) in the Richmond covered area. Retail outlets or wholesale purchaser-consumers that receive fuel under the terms of this waiver may continue selling or

dispensing this fuel after September 23, 2005, until their supplies are depleted. Refiners and importers that provide CG to RFG covered areas pursuant to this waiver should exclude the waiver gasoline from their annual average compliance calculations under 40 C.F.R. § 80.67.

If you have questions please call me, or your staff may call Adam M. Kushner at 202-564-2260.

Sincerely,



Stephen L. Johnson

cc: Secretary Samuel W. Bodman, Department of Energy